

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

BOXCAR MEDIA, LLC, and)
 RACEWAY MEDIA, LLC,)
)
 Plaintiffs,)
)
 v.)
)
 REDNECKJUNK, LLC,)
 DR. THOMAS P. CONNELLY, and)
 CONNELLY RACING, INC.,)
)
 Defendants.)

U.S. DISTRICT COURT
 DISTRICT OF MASS.

CIVIL ACTION NO. _____

04-40051-NMG

NOTICE OF REMOVAL

Petitioners, Redneckjunk, LLC, Dr. Thomas P. Connelly, and Connelly Racing, Inc., respectfully show:

1. Petitioners are the defendants in the above entitled action.
2. The above entitled action was commenced in the Commonwealth of Massachusetts - Superior Court Department - Worcester Division - Civil Action No. WOCV2004-00524-B, and is now pending in that court. Process was served on the Petitioners on the 23rd day of March, 2004. A copy of the plaintiffs' amended complaint setting forth a claim for relief upon which the action is based was first served by mail on the 26th day of March, 2004.
3. The Petitioners are desirous of removing this civil action from the state court of the Commonwealth of Massachusetts pursuant to 28 U.S.C.A. Sec. 1446.

FILING FEE PAID
 RECEIVED #: 404297
 AMOUNT #: 150.00
 BY DEPT CLERK S. Schles
 DATE 4-12-04

4. The Plaintiffs' Amended Complaint contains a count alleging violation of the "Lanham Act" and "15 U.S.C. Sec. 1125(a)".
5. This Honorable Court has original jurisdiction over all actions arising under said *Chapter 15 U.S.C.A. Sec. 1121(a)*.
6. The Petitioners may remove to this Honorable Court any action brought in a state court over which the district courts of the United States have jurisdiction. *28 U.S.C.A. Sec. 1441(a)*.
7. Removal is proper and timely because, under *28 U.S.C.A. Sec. 1446(b)*, the Petitioners may exercise their right of removal within thirty (30) days after receipt of the complaint.
8. Pursuant to *28 U.S.C. Sec. 1446(d)*, the Petitioners are providing written notice of this removal to all parties in the Massachusetts Superior Court action and is filing a copy of this Notice of Removal with the Clerk of the Superior Court.
9. In accordance with *28 U.S.C. Sec. 1446(a)*, copies of all process, pleadings and orders served upon the Petitioners in the Superior Court action which give rise to the Petitioners' right of removal are attached to this Notice of Removal as "**Exhibit A**".
10. In accordance with *Local Rule 81.1*, certified or attested copies of all records and proceedings in the Superior Court action, and a certified or attested copy of all docket entries, will be filed with this Court within thirty (30) days.

WHEREFORE, Petitioners pray that the above action now pending against them in the Worcester Superior Court, Commonwealth of Massachusetts, Civil Action No. WOCV2004-00524-B, be removed from said state court to this court.

Redneckjunk, LLC,
Dr. Thomas P. Connelly, and
Connelly Racing, Inc.,
By their Attorneys,


Robert F. Casey, Jr.
BBO# 077700
233 Ayer Road, Suite 12
Harvard, MA 01451
(978) 772-2223


Jean D. Sifleet
BBO# 461820
120 South Meadow Road
Clinton, MA 01510
(978) 368-6104

Dated: April 12, 2004
CIVIL REMOVAL NOT

JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
BOXCAR MEDIA, LLC and
RACEWAY MEDIA, LLC

(b) County of Residence of First Listed Plaintiff Berkshire
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS
REDNECKJUNK, LLC,
DR. THOMAS P. CONNELLY and
CONNELLY RACING, INC.

County of Residence of First Listed Worcester

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Brenda M. Cotter &
Brown Rudnick Berlack Israels, LLP
One Financial Center, Boston, MA 02111
(617) 856-8200

Attorneys (If Known)

See Attached

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Y Med. Malpractice <input type="checkbox"/> 365 Personal Injury Y Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Propeny 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSDI Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Y Third Party 26 USC 7609	FEDERAL TAXSUITS <input type="checkbox"/> 890 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or <input type="checkbox"/> 5 Reopened	Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
--	--	--	--	---	---	--

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

The defendants seek removal from state court because plaintiffs' complaint contains a count for violation of the Lanham Act, 11 USCA, Sec. 1125(a) over which this court has original jurisdiction.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMANDS** 25,000.00 **CHECK YES only if demanded in complaint:** YES NO **JURY DEMAND:** YES NO

VIII. RELATED CASE(S) (See instructions):

IF ANY

JUDGE

DOCKET NUMBER

DATE 4/12/04

SIGNATURE OF ATTORNEY OF RECORD

Robert F. Casey, Jr.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

Robert F. Casey, Jr.
233 Ayer Road, Suite 12
Harvard, MA 01451

(Telephone: (978) 772-2223)

and

Jean D. Sifleet
120 S. Meadow Road
Clinton, MA 01510

(Telephone: (978) 368-6104)

04-40051 NMG

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Boxcar Media, LLC et al v.
Redneckjunk, LLC et al

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730,
 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660,
 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court? YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403) YES NO
 If so, is the U.S.A. or an officer, agent or employee of the U.S. a party? YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284? YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)). YES NO
 A. If yes, in which division do all of the non-governmental parties reside?
 Eastern Division Central Division Western Division
 B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
 Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions) YES NO

(PLEASE TYPE OR PRINT)
 ATTORNEY'S NAME Robert F. Casey, Jr.
 ADDRESS 233 Ayer Road, Suite 12, Harvard, MA 01451
 TELEPHONE NO. (978) 772-2223

Supplement to Question No. 8 of Category Sheet

The Plaintiffs have filed a motion for a preliminary injunction seeking an order compelling the defendants from using the name "redneckjunk.com" or "rjunk.com".